

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Shevani Patel	Team: Squad #3	CCRB Case #: 201502701	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 04/09/2015 12:40 AM	Location of Incident: § 87(2)(b) and the PSA 7 stationhouse	Precinct: 42	18 Mo. SOL 10/9/2016	EO SOL 10/9/2016	
Date/Time CV Reported Fri, 04/10/2015 12:47 AM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Fri, 04/10/2015 12:47 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Michael Cautillo	00245	952562	PSA 7
2. POM Manolin Molina	27653	936051	PSA 7
3. POM Matthew Mozdziak	13837	943590	PSA 7

Officer(s)	Allegation	Investigator Recommendation
A.POM Matthew Mozdziak	Force: At § 87(2)(b) in the Bronx, PO Matthew Mozdziak pointed his gun at § 87(2)(b) and § 87(2)(b)	§ 87(2)(b)
B.POM Matthew Mozdziak	Discourtesy: At § 87(2)(b) in the Bronx and the PSA 7 stationhouse, PO Matthew Mozdziak spoke rudely to § 87(2)(b)	§ 87(2)(b)
C.POM Michael Cautillo	Discourtesy: At § 87(2)(b) in the Bronx and the PSA 7 stationhouse, PO Michael Cautillo spoke rudely to § 87(2)(b)	§ 87(2)(b)
D.POM Manolin Molina	Discourtesy: At § 87(2)(b) in the Bronx and the PSA 7 stationhouse, PO Manolin Molina spoke rudely to § 87(2)(b)	§ 87(2)(b)
E.POM Michael Cautillo	Abuse: At the PSA 7 stationhouse, PO Michael Cautillo threatened § 87(2)(b) with the use of force.	§ 87(2)(b)
F.POM Matthew Mozdziak	Abuse: At the PSA 7 stationhouse, PO Matthew Mozdziak threatened § 87(2)(b) with the use of force.	§ 87(2)(b)
G.POM Michael Cautillo	Discourtesy: At the PSA 7 stationhouse, PO Michael Cautillo acted rudely toward § 87(2)(b)	§ 87(2)(b)
H.POM Michael Cautillo	Force: At the PSA 7 stationhouse, PO Michael Cautillo used physical force against § 87(2)(b)	§ 87(2)(b)

Case Summary

On April 10, 2015, § 87(2)(b) filed the following complaint on behalf of her son, § 87(2)(b) online with the CCRB.

On April 9, 2015, at 12:40 a.m., PO Michael Cautillo, PO Manolin Molina and PO Matthew Mozdziak of PSA 7 responded to a radio run reporting ten males breaking into a basement of a NYCHA building at § 87(2)(b) in the Bronx. When the officers arrived, § 87(2)(b) -old § 87(2)(b) and § 87(2)(b) -olds § 87(2)(b) and § 87(2)(b) ran from the basement. PO Mozdziak allegedly pointed his gun at § 87(2)(b) and § 87(2)(b) (**Allegation A**). The officers pursued them around the housing complex. As they ran through a parking lot, PO Mozdziak allegedly said, "Put your fucking hands up. Don't fucking move" (**Allegation B**). All three stopped and were arrested. § 87(2)(b) alleged that the three officers cursed at him, but he could not recall any exact statements that were made aside from, "You're fucking lucky I didn't shoot you," by one of these officers who he did not recall (**Allegations B continued, C and D**). § 87(2)(b) and § 87(2)(b) were taken to the PSA 7 stationhouse. § 87(2)(b) was seated in a juvenile room while the other two were placed into the cells. PO Cautillo and PO Mozdziak came into the juvenile room. PO Mozdziak allegedly said, "You pussy. You're fucking tough now." PO Cautillo followed, "You tough because fucking mom's here?" PO Cautillo and PO Mozdziak both called § 87(2)(b) a "pussy" and said one after the other, "You should have been talking shit like this when you was outside so we could have fucked you up outside," and, "I'll break your fucking jaw" (**Allegations B and C continued, E and F**). § 87(2)(b) had a drawstring around the waistline of his sweatpants. PO Molina allegedly told him, "Take your fucking pants off" (**Allegations D continued**). § 87(2)(b)'s right hand was handcuffed to a bar on the wall. PO Cautillo sat in the juvenile room watching § 87(2)(b) for about an hour. § 87(2)(b) asked to use the bathroom. PO Cautillo allegedly told him to "shut the fuck up" (**Allegation C continued**). § 87(2)(b) asked if he could put his hoody. PO Cautillo allegedly threw § 87(2)(b)'s sweatpants, jacket and hoody onto the floor and stomped on them (**Allegation G**). § 87(2)(b) who was sitting in a chair, kicked a bin containing papers that was on the table onto the ground. PO Cautillo, who was on the other side of the table, stood up, reached over and pushed § 87(2)(b)'s head by his neck against the wall. The left side of § 87(2)(b)'s face was against the wall. PO Cautillo placed each of his hands in a claw on each of § 87(2)(b)'s cheeks and dug his fingernails into him (**Allegation H**). He said, "You're lucky we aren't on the fucking street right now" (**Allegation C continued**). § 87(2)(b) and § 87(2)(b) were charged with § 87(2)(b). § 87(2)(b) and § 87(2)(b) criminal cases are still open with court dates on § 87(2)(b) and § 87(2)(b), respectively, in Bronx Criminal Court (Board Review 01).

Mediation, Civil and Conviction Histories

- On April 16, 2015 and May 4, 2015, mediation was presented to § 87(2)(b). He opted for an investigation.
- As of August 4, 2015, no Notice of Claim with regard to this incident had been filed with the City of New York.
- § 87(2)(b) and § 87(2)(b) have no criminal convictions from the last ten years.

Civilians and Officers CCRB Histories

- This is the first complaint filed by § 87(2)(b). This is the first complaint involving § 87(2)(b) and § 87(2)(b) (Board Review 02).
- PO Mozdziak has been a member of the NYPD for eight years, has had seven prior CCRB allegations involving four cases with two substantiated allegations. In 201212779, a stop allegation was substantiated. In 201304798, a retaliatory summons allegation was substantiated. Charges were recommended in both cases. There is not yet any NYPD disposition listed in CTS.
- PO Cautillo has been a member of the NYPD for three years. These are the first CCRB allegations made against him.
- PO Molina has been a member of the NYPD for ten years, has had eleven prior CCRB allegations involving four cases with no substantiated complaints.

Findings and Recommendations

Allegations Not Pleaded

- **Stop:** According to officer testimony, the criminal complaint report (Board Review 03), the complaint reports (Board Review 04) and the arrest reports (Board Review 05, 06 and 07), § 87(2)(b) and § 87(2)(b) were unlawfully in the basement area of a NYCHA building, which § 87(2)(b) admitted to. § 87(2)(g)
§ 87(2)(g)
- **Gun pointed:** Although § 87(2)(b) was with § 87(2)(b) and § 87(2)(b) when PO Mozdziak allegedly pointed his gun at the group, he was not listed as a victim because he was uncooperative with the investigation's attempts to obtain a statement from him.
- **Physical force:** § 87(2)(b) stated that PO Cautillo grabbed his arm and tripped his feet, bringing him to floor to arrest him. He sustained no injury as a result. § 87(2)(g)
§ 87(2)(g)
- **Threat of arrest:** § 87(2)(b) alleged that PO Mozdziak threatened to "lock [him] up" if he did not tell them anything about guns, drugs or phones. § 87(2)(g)
§ 87(2)(g)
- **Tightened handcuff:** § 87(2)(b) stated that the handcuff on his right wrist was loose. PO Cautillo tightened the handcuff tightly before other officers came in and loosened it again. § 87(2)(g)
§ 87(2)(g)
- **Strip-search:** § 87(2)(b) stated that officers had him remove his drawstring sweatpants exposing his long-johns. § 87(2)(g)
§ 87(2)(g)

Allegation A -Force: At § 87(2)(b) in the Bronx, PO Matthew Mozdziak pointed his gun at § 87(2)(b) and § 87(2)(b)

Allegation B -Discourtesy: At § 87(2)(b) in the Bronx and the PSA 7 stationhouse, PO Matthew Mozdziak spoke rudely to § 87(2)(b)

Allegation C -Discourtesy: At § 87(2)(b) in the Bronx and the PSA 7 stationhouse, PO Michael Cautillo spoke rudely to § 87(2)(b)

Allegation D -Discourtesy: At § 87(2)(b) in the Bronx and the PSA 7 stationhouse, PO Manolin Molina spoke rudely to § 87(2)(b)

Allegation E –Abuse of Authority: At the PSA 7 stationhouse, PO Michael Cautillo threatened § 87(2)(b) with the use of force.

Allegation F –Abuse of Authority: At the PSA 7 stationhouse, PO Matthew Mozdziak threatened § 87(2)(b) with the use of force.

Allegation G -Discourtesy: At the PSA 7 stationhouse, PO Michael Cautillo acted rudely toward § 87(2)(b)

Allegation H -Force: At the PSA 7 stationhouse, PO Michael Cautillo used physical force against § 87(2)(b)

§ 87(2)(b) provided a telephone statement on April 16, 2015 (Board Review 08). § 87(2)(b) was interviewed at the CCRB on May 4, 2015 (Board Review 09). He stated that when the officers first approached them, PO Mozdziak, pointed his firearm towards them. § 87(2)(b) and § 87(2)(b) ran and the officers followed. PO Mozdziak said, “Put your fucking hands up. Don’t fucking move.” All three stopped and were handcuffed by PO Mozdziak, PO Cautillo and PO Molina without incident. All three officers cursed at § 87(2)(b) but he could not recall what statements were made aside from “You’re fucking lucky I didn’t shoot you.”

Only § 87(2)(b) was taken into a juvenile room. PO Cautillo and PO Mozdziak cursed at him. PO Mozdziak said, “You pussy. You’re fucking tough now.” PO Cautillo said, “You tough because your fucking mom’s here?” Both officers said, “I’ll break your fucking jaw.” They both called him a “pussy.” Both officers said, “You should have been talking shit like this when you was outside so we could have fucked you up outside.” § 87(2)(b) had a drawstring on his sweatpants. PO Molina told him, “Take your fucking pants off.”

Also brought into the juvenile room was an individual identified by investigation as § 87(2)(b). § 87(2)(b) asked PO Cautillo if he could use the bathroom. PO Cautillo said, “Shut the fuck up.” § 87(2)(b) asked PO Cautillo if he could put his hoody on. PO Cautillo threw § 87(2)(b)’s clothes onto the floor, and stomped on them. § 87(2)(b) kicked a bin containing papers on the table onto the ground. PO Cautillo stood up, reached over the table and pushed the left side of § 87(2)(b)’s head by his neck against the wall. PO Cautillo placed each of his hands in a claw on each of § 87(2)(b)’s cheeks and dug his fingernails in for one minute. He said, “You’re lucky we aren’t on the fucking street right now.” § 87(2)(b) was unable to move. His right hand was handcuffed to the wall, and he kept his left arm still. About three or four officers, who § 87(2)(b) could neither recall nor describe, came in and pulled PO Cautillo off of him and handcuffed his left arm to the wall. After § 87(2)(b) was released, he went to a hospital where he saw scratches on his face from PO Cautillo’s nails. He was not bleeding. He also sustained neck pain.

§ 87(2)(b)'s medical records from § 87(2)(b) note that he complained that an officer pushed him down by the neck and scratched his face. He was diagnosed with a neck sprain, redness to his wrists and a single closed abrasion about 2.5 centimeters long on his face (see Privileged Documents). The command log does not list any physical condition for § 87(2)(b) (Board Review 10). Because he is a juvenile, no arrest photograph could be obtained. No medical treatment of prisoner report was prepared for him.

Contact attempts were made to § 87(2)(b) and § 87(2)(b) but elicited no response. Therefore, no statements were obtained.

§ 87(2)(b) provided a sworn statement on May 26, 2015 (Board Review 11). According to § 87(2)(b) the three of them ran towards the parking lot when they saw the officers. Officers chased them. Officers got out of a car and PO Mozdziak pointed his gun towards them. § 87(2)(b) was handcuffed without incident. He did not recall if any officer used any profanity towards them.

PO Mozdziak was interviewed at the CCRB on July 9, 2015 (Board Review 12). The officers pursued the boys to a parking lot. PO Mozdziak did not recall if he had his firearm drawn upon approach. He did not recall seeing any officer with his gun pointed at any civilian. He did not say, "Put your fucking hands up. Don't fucking move," or, "You're fucking lucky I didn't shoot you." He did not use any profanity while on scene or threaten to shoot or use force against anyone. He heard no other officer use profanity on scene. At the stationhouse, one of the individuals, identified by investigation as § 87(2)(b) was taken to the juvenile room. The other two remained in the cell. PO Mozdziak did not recall if he had any interaction with § 87(2)(b). He was not assigned to sit in the juvenile room. PO Mozdziak never made the following statements: "You pussy. You fucking tough now," "You tough because your fucking mom's here," "I'll break your fucking jaw," "You're lucky we aren't on the fucking street right now," and "You should've been talking shit like this when you was outside so we could have fucked you up outside." PO Mozdziak did not hear any other officer make these statements. PO Mozdziak never heard any officer use profanity at the stationhouse on the incident date. PO Mozdziak never said, "Take your fucking pants off." PO Mozdziak never told § 87(2)(b) to "shut the fuck up" upon a bathroom request or throw his clothing onto the ground and stomp on it. He never saw any other officer do that. PO Mozdziak never saw any officer restraining § 87(2)(b). He did not see any injury on him.

PO Molina was interviewed at the CCRB on June 4, 2015 (Board Review 13). § 87(2)(g) PO Molina stated that no officer had his firearm drawn. § 87(2)(b) was very irate inside of the juvenile room. PO Molina heard him yelling and screaming. PO Molina never saw an officer push § 87(2)(b)'s head and neck against a wall or dig nails into his cheek.

PO Cautillo was interviewed at the CCRB on June 4, 2015 (Board 14). § 87(2)(g) PO Cautillo did not throw any of § 87(2)(b)'s property on the ground, stomp on his property or move any of his clothing. § 87(2)(b)'s clothing was resting on the desk. § 87(2)(b) kicked his clothing to the ground. At the same time, § 87(2)(b) kicked the bin filled with paperwork towards PO Cautillo. It hit the wall behind him. PO Cautillo approached him. § 87(2)(b) kicked both of his

legs and swung with his right arm. His hand made contact with the left side of PO Cautillo's chin. In order to overcome § 87(2)(b) from kicking and flailing his left arm, PO Cautillo walked around the table and attempted to handcuff § 87(2)(b)'s free arm. PO Cautillo grabbed § 87(2)(b)'s right arm and handcuffed it (with another handcuff) against the bar. It took him 30 seconds to do this. As he was being handcuffed, § 87(2)(b) continued to kick his legs at PO Cautillo. PO Cautillo did not push § 87(2)(b)'s head or neck against the wall. PO Cautillo did not dig his fingernails into § 87(2)(b)'s cheeks. He never had his hand on his face. Aside from grabbing § 87(2)(b)'s right arm, PO Cautillo made no further contact with any other part of § 87(2)(b)'s body. PO Cautillo told § 87(2)(b) to stop moving around. He did not say, "You're lucky we aren't on the fucking street right now." Another officer, who PO Cautillo did not recall, came in and stood behind him, but this officer did not make any physical contact with § 87(2)(b). § 87(2)(b) did not have any lacerations on his face. He did not complain of any injury.

§ 87(2)(g)

Pod:

Investigator: _____
Signature Print Date

Pod Leader: _____
Title/Signature Print Date

Attorney: _____
Title/Signature Print Date